



FISCAL MEMORANDUM

SB 1936 - HB 1997

February 28, 2022

SUMMARY OF BILL AS AMENDED (014321): Removes requirements that an administrative judge or hearing officer make or hear a motion prior to deciding a procedural question of law or directing parties to appear for a prehearing conference. Authorizes the director of the Administrative Procedures Division (Division) of the Secretary of State's (SOS) office to issue subpoenas on behalf of an administrative judge employed by the SOS. Authorizes administrative hearings to be conducted by audio-visual means under certain circumstances. Specifies that records are not required to be made of prehearing conferences. Prohibits a petition for reconsideration of a final order from becoming a final order by operation of law when no party timely filed a petition for reconsideration of an initial order or when the petition for reconsideration of an initial order was denied. Allows a final order to be delivered to a party or a party's attorney by electronic means. Removes the requirement that the Division maintain a pool of court reporters for agency administrative hearing proceedings before certain licensing boards.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Changes to administrative processes will not have a significant impact on the operations of the Division or the SOS and can be accomplished within existing resources.
- Pursuant to Tenn. Code Ann. § 4-5-312, all or part of a hearing may be conducted by "telephone, television or other electronic means". Updating the statute to include audio-visual means will not require additional costs to the Division.
- Removing the requirement to maintain a pool of court reporters will not result in any positions being eliminated. Departments will continue to pay court reporters for administrative hearings; therefore, no effect on state revenue or expenditures.
- Allowing orders to be delivered by electronic means will not have a significant impact on the Division or the SOS.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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